

PETER N. PERRETTI, JR.
ATTORNEY GENERAL OF NEW JERSEY

CERTIFIED TRUE COPY

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF DENTISTRY
DOCKET NO.: 011-89

In the Matter of the Suspension)
or Revocation of the License of)
ANTHONY M. KESTLER, D.D.S.)
To Practice Dentistry in the)
State of New Jersey)

Administrative Action

CONSENT ORDER

This matter was opened to the State Board of Dentistry ("Board"), by way of Complaint filed January 19, 1989, by Cary Edwards, Attorney General of New Jersey, by Kathy Rohr, Deputy Attorney General, alleging that in or about the period October 1982 through June 1986, respondent Anthony M. Kestler, D.D.S., submitted claims to an insurance company on behalf of patient D.J. for benefits for services never rendered. The Complaint alleges that the conduct of the respondent constitutes the use or employment of dishonesty, fraud, deception or misrepresentation within the meaning of N.J.S.A. 45:1-21(b) and professional misconduct within the meaning of N.J.S.A. 45:1-21(e) and N.J.A.C. 13:30-8.12.

On or about February 2, 1989, respondent submitted a letter answer to the Complaint in which he stated that the services in 1986 were not completed because the patient did not keep his appointment. Respondent denies the allegations concerning claims

for treatment performed in 1982 and 1985 with the exception of the crowns on tooth numbers 13 and 14 referred to in a Predetermination Voucher dated June 18, 1986, and signed by the respondent on June 24, 1986. In addition, respondent submitted proof that he has made restitution to the insurance company in the amount of \$900.00.

It appears that respondent desires to resolve this matter on a consensual basis without a formal hearing and that good cause exists for the entry of this Order.

THEREFORE, IT IS ON THIS 2nd DAY OF August, 1989,
ORDERED AND AGREED THAT:

1. Respondent shall be assessed a civil penalty in the amount of \$2,500.00 to be paid to the State of New Jersey. Payment shall be made by certified check or money order within thirty (30) days of the entry date of this Order made payable to the State of New Jersey and shall be submitted to William Gutman, Executive Director, State Board of Dentistry, 1100 Raymond Boulevard, Room 321, Newark, New Jersey 07102.

2. Respondent shall donate 100 hours of community service in the form of dental services at the New Jersey Home for Disabled Veterans in Edison (Menlo Park), New Jersey, to be completed within one (1) year of the entry date of this Order. Mr. Michael Bartfalvi shall be authorized to provide the Board with confirmation that respondent has commenced the performance of dental services and continues to perform said services in accordance with the schedule arranged with the respondent at the facility. In the event the performance of the community service at the designated facility

is discontinued for any reason whatsoever, respondent shall donate the balance of required hours at an alternate facility as designated by the Board.


3. Respondent's patient record keeping and procedures for submitting insurance claim forms on behalf of patients shall be monitored by a New Jersey licensed dentist as appointed by the Board and acceptable to respondent. Respondent shall permit said monitor to make random unannounced visits to his dental office, as the monitor deems necessary, for a period of six (6) months from the entry date of this Order for the purpose of reviewing respondent's current procedures and recommending appropriate modifications as required in the discretion of the monitor.

Respondent shall not unreasonably refuse to permit said visits on days that his office is open for business, and the monitor shall take such steps as may be reasonable and necessary to respect the normal operation of respondent's office when visits are made. Said monitor shall forward quarterly reports to the Board concerning the monitoring responsibility. All reasonable costs of such monitoring, including, but not necessarily limited to, the monitor's fees and travel expenses, shall be borne by the respondent. Respondent shall fully cooperate with said monitor in carrying out the requirements of this Consent Order and shall take recommended corrective action in the event that deficiencies or errors in his office procedures are found by the monitor. In the event that the monitor concludes that a significant deviation from accepted practice in the monitored

procedures is occurring or is about to occur and respondent fails to comply with the recommended corrective action, said monitor shall immediately notify the Board or the Attorney General.

4. Respondent is hereby reprimanded and cautioned that more serious penalties will be imposed in the event subsequent complaints of a similar nature are filed and proven against him.

5. The within Order shall resolve any and all pending complaints or investigations by or on behalf of the Board concerning respondent's dental practice and/or violations concerning record keeping and procedures for submitting insurance claim forms within the meaning of N.J.S.A. 45:1-21(b), N.J.S.A. 45:1-21(e), and N.J.A.C. 13:30-8.12 which may have occurred to date. Any further inquiry shall be initiated only upon complaint by the monitor in the course of his or her responsibility as herein described or by another patient, insurance company, or other bona fide third party inquiry.



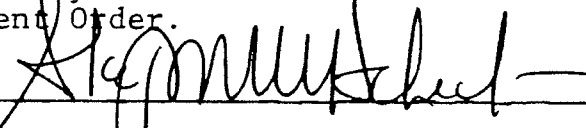
SAMUEL E. FURMAN, D.D.S.
PRESIDENT
STATE BOARD OF DENTISTRY

I have read the within Order
and I hereby agree to be bound
by its terms and conditions.



ANTHONY M. KESTLER, D.D.S.

I hereby consent to the form
and entry of the within
Consent Order.



STEPHEN H. SCHECHNER, ESQ.
Counsel for Dr. Kestler